

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

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**APPROVED
BOARD MEETING MINUTES
May 4, 2006**

Hilton Burbank Airport & Convention Center
2500 Hollywood Way
Burbank CA 91505

*Thursday, May 4, 2006**8:30 A.M.**- Board Meeting, Hearing, &
Committee Meetings**Thursday May 4, 2006**8:30 A.M.***1. Call To Order and Roll Call**

President Chu called the meeting of the Physical Therapy Board of California to order at 8:30 a.m. and roll call was taken. A quorum was established.

Donald Chu
Nancy Krueger
Phillip Chen
Ellen Wilson
Lorraine Kimura
Julie Brandt

All members were present with the exception of Julie Brandt and Phillip Chen.

8:30 A.M. Hearings**2. Petition for Reduction of Probation Hearing**

- (A) Open Session - Petition for Reduction of Probation – Rodolfo Medina, PT
- (B) The Board will convene in CLOSED SESSION to deliberate per Government Code Section 11126(c)(3).

Disciplinary decisions are available on the Board's website at www.ptb.ca.gov.

3. Petition for Reinstatement Hearing

- (A) Open Session - Petition for Reinstatement of Revoked License – Behrooz Zolfaghari, PT
- (B) The Board will convene in CLOSED SESSION to deliberate per Government Code Section 11126(c)(3).

Disciplinary decisions are available on the Board's website at www.ptb.ca.gov.

4. The Board will convene in CLOSED SESSION to deliberate on disciplinary decisions and stipulations per Government Code 11126(c)(3)

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- (A) Nina Dunn, PT
- (B) Amy Dore, PT
- (C) Sally Stevens, PT
- (D) Oscar Andalon, PT

Disciplinary decisions are available on the Board's website at www.ptb.ca.gov.

5. Committee Meetings

Licensing Committee - *Ellen Wilson, PT, Philip Chen, Donald Chu, PhD, PT*

The Board will review and take actions on applications submitted by individuals who are applying for licensure as a physical therapist or a physical therapist assistant (e.g. letters of appeal, requests for application extensions, credential reports that do not meet the criteria for review at the staff level)

Practice Issues Committee - *Nancy Krueger, PT, Julie Brandt, Lorraine Kimura, PT*

The Board will review, discuss, and take actions on practice issues that have been submitted to the Board.

6. Approval of Minutes

- (A) February 6, 2006 – Board Meeting

Moved by Nancy Krueger, Seconded by Ellen Wilson to approve the February 6, 2006 meeting minutes as written. Vote: 4-0. Motion carried.

- (B) March 20 & 21, 2006 – Strategic Plan Board Meeting

Moved by Ellen Wilson, Seconded by Lorraine Kimura to approve the March 20 & 21, 2006 meeting minutes as written. Vote: 4-0. Motion carried.

7. President's Report – *Donald Chu, PhD, PT*

- (A) Update
- (B) Recognition of Board Member Service

President Chu recognized Ellen Wilson's service as an exceptional board member and thanked her for her dedication and strong commitment while serving on the Board. He acknowledged her diligent efforts on the Physical Therapist Assistant Supervision Task Force and the Educational Task Force, which led to positive developments for the licentiates of California. President Chu also expressed his appreciation of all her hard work in developing the ELEERS, which has made the evaluation of foreign educated physical therapist's education fair and equitable. The Federation of State Boards of Physical Therapy has now adopted the concept of the ELEERS.

President Chu recognized Randi Woodrow's service as a dedicated and consistent board member and reported during her short term she assisted the Board in recruiting subject matter experts for developing the new formatted California Law Examination. Ms. Woodrow was appointed to serve out the remaining term of another past Board member.

President Chu also recognized James Turner's service as the ideal public board member and during his term Mr. Turner chaired the Model Guidelines for Imposing Discipline and Issuing Citations Task Force and served as a subject matter expert to assist the Board in developing the new formatted California Law Examination.

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President Chu expressed that all three of these Board members will be greatly missed and their contribution to the Board was extremely valuable.

(C) 2006 Meeting Dates

President Chu reported staff has been experiencing difficulty securing a meeting site in the San Jose area in conjunction with the California Physical Therapy Association's (CPTA) annual conference. Therefore, requested members to identify another date towards the end of October or beginning of November. The majority of the members were available November 2 and 3. President Chu directed Mr. Hartzell to contact the other two board members to determine if they would be available in November.

(D) 2007 Meeting Dates

President Chu directed members to the 2007 meeting dates in the agenda book.

Mr. Hartzell requested members to consider having the San Diego meeting in May and the Los Angeles meeting in February. He explained the difficulty staff is having in securing a meeting room in San Diego in February. The Board agreed to switch the locations of the meetings in 2007. There were no changes made to the 2007 Board Meeting Calendar.

8. Executive Officer's Report -*Steven K. Hartzell*

(A) Update

Mr. Hartzell reported on the staff changes. He has hired Debbie Nardine as a permanent intermittent and David Laxton as a student assistant. Ms. Nardine last worked for the Board in 1997. He reported Kirsten Salters will be moving into the Consumer Protection Services unit and will no longer be working in the Application and Licensing Services unit.

Mr. Hartzell also reported on the Public Records Act and explained how that can affect Board member's personal computers. The Board directed Mr. Hartzell to research the options for Board members regarding requests for information on the Public Records Act.

Mr. Hartzell reported on the current status of the office break-in and that some of the stolen mail has been recovered. Also, the Board is in the soft term of the lease and the office may be relocating due to the current owner doesn't agree the building needs improvements. Negotiations with the current landlord have started; however, the Department is researching other locations.

(B) 2005 - 2006 Budget

Mr. Hartzell does not anticipate spending all the funds remaining in the 2005-2006 budget. He reported he would be purchasing new software licenses in order to be in compliant with the software audit.

(C) 2006 – 2007 Budget & BCP's

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Mr. Hartzell reported staff has prepared several concept papers for staffing the licensing and enforcement units, Diversion Program, cashiering position, and the ability to fund a more durable wallet license for the licensees.

9. Retention Schedule – *Michael McCormick*

Mr. McCormick explained the current retention schedule has expired and staff has identified changes that need to be made. Anita Scuri, Legal Counsel, reported DCA will be issuing a policy that addresses a retention for electronic files. After further discussion, the Board directed staff to include DCA's new policy into the retention schedule and to bring the revised retention schedule back to the August meeting.

10. Rulemaking – *Michael McCormick*

(A) Rulemaking in Progress

Mr. McCormick reported staff's current workload is prohibiting progress on rulemaking temporarily. However, the Administrative Citations Section 1398.25 has been approved and finalized.

(B) 2006 Rulemaking Calendar

Mr. McCormick reported the regulations listed on the 2006 Rulemaking Calendar will remain on the calendar and that staff will continue to work on the language.

Mr. Hartzell explained staff will be preparing the entire regulation package prior to presenting the language to the Board for review. He requested staff be given the flexibility with the time frame for completing the rulemaking packages due to the high volume of work load staff has experienced this past year with the audit and sunset review. The Board acknowledged staff has been overloaded with additional projects and agreed to allow staff the flexibility.

11. Review & Adoption of the 2006 Strategic Plan – *Rebecca Marco*

(A) Strategic Plan

Ms. Marco directed members to the Strategic Plan included in the agenda book. She requested clarification on Goal 1, Objective A. After further discussion on Goal 1, Objective A the Board directed staff to seek guidance on 1A from Travis McCann. Ms. Marco also requested if the Board wanted to keep Goal 6, Objective 1 on the Strategic Plan.

President Chu polled the members to determine if Goal 6, Objective 1 should remain on the Strategic Plan. The majority agreed to keep Goal 6, Objective 1. Opposed was Nancy Krueger and Lorraine Kimura abstained.

Moved by Nancy Krueger, Seconded by Ellen Wilson to approve the Strategic Plan as amended and solicit input from Travis McCann. Vote: 4-0. Motion carried.

(B) Strategic Plan Matrix Chart

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Ms. Marco directed members to the Strategic Plan Matrix Chart included in the agenda book and explained staff was waiting for the approval of the Strategic Plan before identifying the deliverable completion dates.

12. Sunset Report – *Steven K. Hartzell*

Mr. Hartzell directed members to the final recommendations for the PTBC by the Joint Committee on Boards, Commissions and Consumer Protection and the Department of Consumer Affairs included in the agenda book from the April 5 sunset hearing.

13. Newsletter – *Debi Mitchell*

Ms. Mitchell directed members to the draft version of the Progress Notes included in the agenda book. The Board directed staff to pursue finalizing the newsletter and to make the necessary changes by legal counsel and Mr. Hartzell in order to print.

14. Consumer and Professional Associations and Intergovernmental Relations – *Steve Hartzell*

(A) California Physical Therapy Association (CPTA)

James Syms representing CPTA reported the CPTA is sponsoring two bills AB 120 and AB 2868. The CPTA is currently accepting applications to replace Patti Evan's CSE position.

(B) American Physical Therapy Association (APTA)

(C) Federation of State Boards of Physical Therapy (FSBPT)

Mr. Hartzell reported the court ruled to discuss APTA's lawsuit against the FSBPT regarding the examination fees. President Chu reported he is running for the FSBPT's Treasure position.

(D) California Consumer Affairs Association (CCAA)

Ms. Scuri reported the CCAA conference will be in San Francisco on October 18 and 19.

(E) Department of Consumer Affairs (DCA)

(F) Citizen Advocacy Center (CAC)

(G) California Board of Occupational Therapy (CBOT)

Ms. Mitchell directed members to the final recommendations for the CBOT by the Joint Committee on Boards, Commissions and Consumer Protection and the Department of Consumer Affairs included in the agenda book from the April 5 sunset hearing.

(H) Board of Chiropractic Examiners (BCE)

Ms. Mitchell directed members to the final recommendations for the BCE by the Joint Committee on Boards, Commissions and Consumer Protection and the Department of Consumer Affairs included in the agenda book from the April 5 sunset hearing.

(I) Speech-Language Pathology and Audiology Board (SLPAB)

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The SLPAB will be meeting the following week.

(J) Veterinary Medical Board (VMB)

Ms. Marco reported the VMB is also meeting today and that Patti Evans, CSE of the CPTA is attending this meeting.

Mr. Hartzell reported he is communicating with the VMB to include in a regulation the ability for a physical therapist to perform physical therapy under the supervision of a veterinarian.

15. Licensing Committee Report – *Ellen Wilson, PT, Chair*

See the meeting bullets at the end of the minutes. President Chu disbanded the Practice Issues Committee temporarily at the May 4, 2006 Board meeting until the vacant Board Member positions have been appointed by the Governor and the Speaker of the Assembly. Practice Issues inquiries will be reviewed by the entire Board until further notice.

16. Practice Issues Committee Report – *Nancy Krueger, PT, Chair*

See the meeting bullets at the end of the minutes. President Chu disbanded the Licensing Committee temporarily at the May 4, 2006 Board meeting until the vacant Board Member positions have been appointed by the Governor and the Speaker of the Assembly. The entire Board will review licensing issues until further notice.

17. Disciplinary Action Report – *Donald Chu, PhD, PT*

President Chu reported on the disciplinary action report and the statistical report included in the agenda book. The Board appreciated the graphs included in the report.

18. Legislation

A) 2006 Proposed Legislation

Mr. Hartzell explained the different type of positions the Board can decide when taking a position on a bill.

B) SB1397

Mr. Hartzell directed members to his briefing paper on SB1397 included in the agenda book and recommended the Board take a “Watch” position on this bill.

Moved by Nancy Krueger, Seconded by Lorraine Kimura to adopt a “Watch” on the April 19, 2006, version of SB1397. Should the bill be amended to include provisions beyond title protection, the position would change to “Oppose Unless Amended.” The requested amendments would be in regards to consumer safety and/or the healthcare marketplace. Vote: 4-0. Motion carried.

C) AB2152

Mr. Hartzell suggested the Board to take a watch position on this bill since if it passes it will limit a physician from performing acupuncture unless they have a acupuncture license.

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D) AB120

Mr. Hartzell reported AB120 is being sponsored by the CPTA which would require physical therapists and physical therapist assistants to submit proof of continuing competency for licensure renewal and that he recommends a “Support” position.

Moved by Nancy Krueger, Seconded by Lorraine Kimura to take a “Support” position. Vote: 4-0. Motion carried.

E) AB2868

Mr. Hartzell reported the CPTA is sponsoring AB2868 which would permit physical therapists that have obtained doctoral-level education the appropriate use of the title “Dr.”. The language in the bill specifically indicates how a physical therapist can use the title “Dr.”.

Moved by Nancy Krueger, Seconded by Lorraine to take “Support” position on AB2868. Vote: 3 – 1 opposed by Ellen Wilson. Motion carried.

F) AB1476

Mr. Hartzell reported AB1476 is the bill that would continue the existence of the PTBC. Mr. Hartzell recommended a “Support” position.

Moved by Nancy Krueger, Seconded by Lorraine Kimura to take a “Support” position on AB1476. Vote: 4-0. Motion carried.

19. Items for Next Meeting Agenda

(A) PTBC Meeting – August in Sacramento

20. Public Address

James Syms acknowledged Ellen Wilson’s service on the Board and expressed the CPTA has appreciated all her hard work as a Board member.

21. Adjournment

The meeting of the Physical Therapy Board of California adjourned at 2:00 pm.

The August 3, 2006 Board meeting did not have a quorum. Therefore, the May 4, 2006 meeting minutes were not approved.

The Board President at the May 4, 2006 Board meeting was Donald Chu. However, Nancy Krueger was the Board President at the November 9, 2006 meeting when the minutes were approved.

Moved by Debra Alviso, Seconded by Sara Takii to approved the May 4, 2006 meeting minutes based on the review by the members that were serving on the Board at the time of the meeting.